

EUROPEAN PATENT ATTORNEYS LISTING

- AHNER Philippe

- MOUTARD Pascal

- AUDIER Philippe

- PERU Laurence

- AUGARDE Eric

- POULIN Gérard

- GUERRE Fabien

- SIMONNET Christine

- ILGART Jean-Christophe

- WUILLEMIN Lucien

- MOUDNI Houssine



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Acknowledgement of receipt

We hereby acknowledge receipt of the form for entry into the European phase (EPO as designated or elected Office) as follows:

Submission number	142472	
PCT application number	PCT/JP2005/002356	
Date of receipt	27 July 2006	
Receiving Office	European Patent Office, The Hague	
Your reference	SR 29471 JP/SG	
Applicant		
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Documents submitted	package-data.xml ep-euro-pct.xml DESCTRAN.pdf\SR29471T_nh.pdf (25 p.) ABSTTRAN.pdf\SR29471A.pdf (1 p.)	epf1200.pdf (3 p.) application-body.xml CLMSTRAN.pdf\SR29471R.pdf (2 p.) OTHER-1.pdf\Europeanpatentattorneyslisting.pdf (1 p.)
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P.B.5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
☎ (070) 3 40 20 40
FAX (070) 3 40 30 16

Europäisches
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Generaldirektion 1

Directorate General 1

Direction générale 1

SHIGA, Masatake
2-3-1, Yaesu
Chuo-ku, Tokyo 104-8453
JAPON



EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date
30.06.06

Reference	Application No./Patent No. 05710256.8 - 2401 PCT/JP2005002356
Applicant/Proprietor MORINAGA MILK INDUSTRY CO., LTD.	

Entry into the European phase before the European Patent Office

These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.

1. The above-mentioned international patent application has been given European application No. 05710256.8.
2. Applicants **without** a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.

3. Applicants **with** a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO.
However, in view of the complexity of the procedure it is recommended that they do so.
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.



5. To enter the European phase before the EPO, the following acts must be performed.
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)

5.1 If the EPO is acting as **designated** or **elected** Office (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:

- a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and R. 107(1)(a) EPC).
If the translation is not filed in time, the international application is deemed withdrawn before the EPO (R. 108(1) EPC).
This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (R. 108(3) EPC).
- b) Pay the national basic fee (EUR 170,00) and, where a supplementary European search report has to be drawn up, the search fee (EUR 720,00 ; R. 107(1)(c) and (e) EPC).
- c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee (EUR 80,00) for each contracting state designated (R. 107(1)(d) EPC).
- d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination and pay the examination fee (EUR 1490,00 ; R. 107(1)(f) EPC).
- e) Pay the third-year renewal fee (EUR 400,00) if it falls due before expiry of the 31-month time limit (R. 107(1)(g) EPC).

If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (R. 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (R. 108(3) EPC). For the renewal fee under (e) above, the grace period is six months from the fee's due date (Art. 86(2) EPC).

For an overview of search and examination fees, see OJ EPO 11/2005, 577 and 03/2006.

5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (R. 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (R. 110(2) EPC).

6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.

All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicant's European representative.



7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent
Guide for applicants - Part 2
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

Receiving section



From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Article 31(7) and Rule 61.2)

To:

European Patent Office
Phoenix Support Help Desk
Att. C. Hamm, Room S00G12, P.O. Box 5818
NL- 2280 HV Rijswijk
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in its capacity as elected Office

Date of mailing (<i>day/month/year</i>) 15 September 2005 (15.09.2005)	Applicant's or agent's file reference PC-9302
International application No. PCT/JP2005/002356	Priority date (<i>day/month/year</i>) 17 February 2004 (17.02.2004)
International filing date (<i>day/month/year</i>) 08 February 2005 (08.02.2005)	
Applicant MORINAGA MILK INDUSTRY CO., LTD. et al	

1. The designated Office is hereby notified of its election made in the demand filed with the International Preliminary Examining Authority on:
28 July 2005 (28.07.2005)

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date (PCT Article 39(1)(a)).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Masashi Honda
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 70 10